

REMARKS

In the office action mailed from the United States Patent and Trademark Office January 14, 2005. The examining attorney rejected claims 31-34 under 35 U.S.C. § 101; rejected claims 31-34 under 35 U.S.C. § 112, first paragraph as failing to comply with the enablement requirement; rejected claims 31, 33 and 34 under 35 U.S.C. § 112 second paragraph as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regarded as the invention; and rejected claims 31-34 under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 2,496,351 ("Mazzoni"). Accordingly, applicant respectfully provides the following:

Drawings

Formal Drawings are being prepared and will be submitted when complete.

Specification

Applicant thanks Examiner for noting corrections that need to be made in the specification. The specification has been amended as noted above.

Claim Rejections Under 35 U.S.C. § 101

The claims of the present invention have been amended to ameliorate the concerns expressed by Examiner relative to the §101 rejection set forth in the pending action.

Claim Rejections Under 35 U.S.C. § 112 First Paragraph

Examiner has rejected claims 31-34 under 35 U.S.C. § 112 first paragraph as failing to comply with the enabled requirement. Applicant has amended claims 31 and 34 by deleting "of a calculated distance formed therein," "calculated distance formed therein" and "said fluid flow regulator functioning to optimize air flow, reduce separation of said fluid over said surface of said nozzle, and reduce induced noise from the text of the claims" Accordingly, Applicant has deleted each limitations for which Examiner indicated that the specification was not enabling.

In claim 32 Applicant has respectfully deleted "an optimal pressure recovery point" and "imbalanced or unequal pressure gradient which...induces friction and pressure draft that

ultimately increases the separation potential of said fluid from the text of the claims”

Accordingly, Applicant has deleted from each limitation which Examiner indicated are not enabled by the specification.

In claim 33, Applicant has deleted “sub-atmospheric barrier.” Accordingly, Applicant has deleted from claim 33 all matter indicated by the Examiner as not being enabled by the originally filed specification.

Claim Rejections Under 35 U.S.C. § 112 Second Paragraph

Applicant thanks the Examiner for noting the indefinite language throughout the claim set. Applicant has addressed each of the concerns identified by the examining attorney by amending claims 31, 33 and 34 in order to definitely and particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Rejections Under 35 U.S.C. § 102

The prior art cited by the examiner fails to teach or suggest the claim or limitations of the present invention. “A claim is anticipated only if each and every element as set forth in the claim is found either expressly or inherently described, in a single prior art reference.” Verdegall Bros. v. Union Oil Co. of California, 814 F.2d 628, 631 (Fed. Cir. 1987). Further, to anticipate a claim “[t]he identical invention must be shown as a complete detail as is contained in the...claim.” Richardson v. Suzuki Motor Co., 868 F.2d 1226, 1236 (Fed. Cir. 1989).

The Examiner has rejected claims 31-34 under 35 U.S.C. § 102(b) as being anticipated by Mazzoni, U.S. Patent No. 2,496,351 which discloses a pulse jet engine with telescopic thrust augmentor. Mazzoni taught that “when the engine is operating there is a tendency for exterior air to enter the end of the tail pipe...the series of axially spaced internal annular shoulders...functions as dams or barriers to reduce or restrict the quantity of air entering said end of said tail pipe without interfering with the discharge of exhaust gases therefrom.” Mazzoni fails to teach an invention comprising a nozzle with “at least one fluid flow regulator...comprising...a pressure recovery drop extending between said leading and trailing edges,” as recited in the

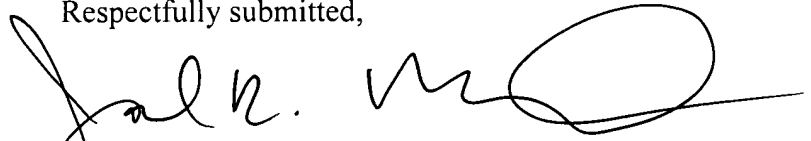
claims of the present invention. Because Mazzoni fails to teach a pressure recovery drop, Mazzoni does not teach or suggest every element as set forth in the claims of the presently amended application.

CONCLUSION

Applicants submit that the amendments made herein do not add new matter and that the claims are now in condition for allowance. Accordingly, Applicants request favorable reconsideration. If the Examiner has any questions or concerns regarding this communication, the Examiner is invited to call the undersigned.

DATED this 3 day of November, 2005.

Respectfully submitted,



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Doc#856160